

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court
Eastern District of Washington

AUG 19 1999

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Bart Blackburn
vs
Rick Moss

Civil Rights Complaint
42 USC 1983 8980450 EV
2nd amended

I Bart Blackburn, having been sworn
disposes and says:

I am the plaintiff herein, with a hearing
impairment and Bipolar disabilities, with a
long standing history, per the following:

Hearing impaired

Duffey vs Riveland Settlement agreement
attached herein.

Doc. Policy 490-050

AD.A. 1990 Section 11-2 5000

I have the right as a disabled offender
to access to, Camp, Pre Release, work Release.

AD.A. Act 1990 Section 11-2 1000

Doc. policy 490-050 page 9 x x "Case
by case basis" page 8 x x i i i "offender
programs section B Case by Case basis."
page 8 x i x "program access determination
by Staff Qualified to evaluate"
Yeskey vs Penn. Doc 118 & 30 168. 1998

1 Plaintiff a disabled offender herein sought
 2 under Doc. policy 490-050 page 4 section (S)
 3 B and C, to access offender programs. Rick
 4 Moss responded "I don't send dings on
 5 meds to camp" See also 490-050 att. 1 at seg
 6

7 Rick Moss prepared a Classification
 8 Referral form used at his hearing on
 9 September 15, 1998. This form states no
 10 less than 3 times Due to his taking of
 11 prescribed medications he is unable to
 12 progress past M13 status See Yeskey vs
 13 Penn. D.O.C. 118 F 3d 168 (98) This form did
 14 not have any mention then of my partis-
 15 ipation in: Psych Counseling A-A, anger
 16 management or chemical awareness or
 17 that I had a G.E.D.

18
 19 Rick Moss Personally and under color
 20 of authority, Refused to follow procedures
 21 outlined herein or per Doc. policy 490-050
 22 page 11. Reference to D.O.C. 300-380 page
 23 3 at 3 "exception to placement override
 24 Review" to Remedy

25
 26 Plaintiff alleges Rick Moss is guilty
 27 of discrimination by denying access to
 28 a disabled person to the benefit of -

1 programs in the department of corrections
 2 based solely on his use of prescribed
 3 medications for his disability. he Rick
 4 moss excluded me from programs as
 5 described herein on my disability and for
 6 no other cause.

7
 8 Plaintiff was "Work Release" eligible as of
 9 march 1999 and has lost money and
 10 faces a very difficult adjustment.
 11 (see Judge ment and sentence appendix
 12 H items 14 thru 18) "Lincoln House"
 13 Work Release in Tacoma is structured
 14 to help disabled offenders with S.S.
 15 after care, medications, housing and
 16 mental health issues. I am very much
 17 qualified for this program and was
 18 denied consideration or access to
 19 it.

20 I was assaulted on March 12, 1999
 21 as a result of not being transf-
 22 erred to minimum security, camp
 23 or pre-release. Rick moss is the
 24 party responsible by his actions
 25 herein for my being denied a tran-
 26 sfer for which I was qualified for.
 27 Had he not violated my civil rights this
 28 assault could not have occurred.

1 Attachment to and incorporated into the
2 Second amended Complaint.

3 The date 9-14-98 is the date of the
4 Classification Referral. 9-24-98 Reflects
5 the hearing date.

6 9-14-98 Rick Moss targeted me to continue
7 to remain fraudulent in a G.e.d. course. he
8 was aware I was disabled and that I
9 could not legally take a second G.e.d. test,
10 and that I had a G.e.d.

11 Rick Moss and I discussed the above
12 issue prior to my Classification, I told
13 him I shouldn't have to commit fraud
14 myself in order to get out of full time
15 G.e.d. Class. He responded "that your PRO-
16 blem" Rick Moss refused a Request to Call
17 and verify my G.e.d. Status.

18 I now allege a Separate Count of Vio-
19 lation of A.D.A. 1990 etseq. by Rick Moss
20 the status of full time G.e.d. by WSP
21 Rules, bars access to this disabled Off-
22 ender from access to Auto body or
23 drafting or a paying job in industry.

24 Plaintiff came to D.O.C. his S.S. disa-
25 bility payments Stopped. He could have
26 began those payments on 3-18-99
27 if Moss would have allowed him
28 access to Lincoln Rap hours he was

1 eligible for medical care.

2 No meaningful care is provided
3 at this time.

4 Outline

- 5 A. Discrimination of (ADA Offender)
6 B. Access to program(s) (2 counts)
7 C. Failure to follow mandatory Rules
8 D. (for Disabled Offenders) hearing
9 E. Contributory actions (Assault)
10 F. Party to denying access to (grievance)
11 G. Breach of Contract in re Duffy vs Riveland
12 et al (To be Filed in State Court)
13 H. To "Hide" from classification my participation
14 in anger mgt, chemical dependency, psych
15 and true medical status
16 H.1 GED. fraud Resulting in access
17 to programs, being denied to a disabled
18 offender. ADA Act 1990 et seq.

19 Relief Sought

20 See telephonic notice of motion

21 The forgoing is true and correct
22 under perjury
23
24
25
26
27
28

5-16-99 [Signature]
at Walla Walla Wa

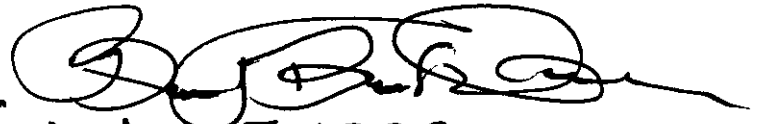
1 I believ that Rick moss was in
 2 colusion with VAN Slyke greavance
 3 coordinator at W.S.P. and will
 4 testify under oath to my observa-
 5 tions. Mr Van Slyke will be called
 6 as a witness by me, to testify as to
 7 his Reasons for denying me access
 8 to the greavance System past the 1st
 9 level.

10 Rick mosses statements to me the exhibit
 11 Classification Referral herein and his
 12 colusion as alledged all go towards
 13 proving the alledged discrimination
 14 and exclusion of a disabled offender
 15 from programs in D.O.C.

16 Plaintiff will seek aproprate Redress
 17 as well as punitive Redress from Rick
 18 Moss the person and in his offical
 19 capacities, and a order of the Court
 20 for a preliminary injuntion

21
 22 The forgoing is true and correct
 23 at WSP

24 by...



25 ON... July 3 1999
 26
 27
 28

1 Bart Blackburn

CS-98-0450 FVS

2 vs

ADA Complaint

3 Rick Moss

Witness List

4
5 Dr. Moulton psychiatric consultant at W.S.P
6 MSC and MSU facilities

7 Testimony will testify to issuing my meet-
8 ings while I've been here and also to
9 other offenders at MSU Reason(s) for meet.

10
11 Rick Cross medical employee of WSP will
12 testify as to rules codes, psych procedures
13 medication policies at WSP MSU

14
15 Jane Snyder Questions as to providing me
16 counseling, personal knowledge of a meeting
17 between Dr Moulton, Rick Cross, her and
18 myself Counselor MSC

19
20 Dr L. Zimmerman as to diagnosis and treat-
21 ment with meds (Richland)

22
23 Van Slyke grievance coordinated at
24 WSP MSC Blue Mountain Unit. Why he
25 declined to process my grievances and also
26 intercepted and stoped my Appeals past
27 the 1st level to the Superintendent Questioned
28 as to Conspiracy in the Case.

1 P.A. Fletcher as to my medical problems at
2 various dates while at MSC he is a regular
3 employee at WSP
4

5 Mr. Jensen Rick Mosses Boss Jensen is C.U.S.
6 at Blue Mountain Unit MSC WSP. Questioned
7 as to Reason for his stand on my ADA complaint
8 backing Rick Moss when he was wrong keeping
9 me in a GED class with full knowledge that I
10 had a GED. exclusion from Programs
11

12 Unknown expert psychiatrist witness to examine
13 medical documents and me to testify as to
14 my hearing impairment, bipolar disorder and
15 my alleged disabilities. Provided by the Court
16

17 Rick Moss verifying his preparation of documents
18 and other relevant matters exclusion from programs
19

20 Head of WSP GED Program as to fraud
21 and exclusion of a Disabled Offender
22 from Programs
23

24 Hospital Record early 50's of a professional
25 and complete hearing examination Results
26 goes to hearing impairment ^{from} Station Union Seattle
27

28 S.S. Records long standing disability 10 years of records

1 Medical & Psych Jacket complete 95 is all
 2 tests x-rays medications procedures Requests
 3 by anyone for procedures, lay ins (Complete
 4 medical file) from April 14, 1998 to Present
 5 WSP Doc at Walla Walla.

6
 7 All pictures documents now in the district
 8 attorneys possession at Walla Walla Superior
 9 Court in re Wayne Rugg for felony
 10 assault at WSP msc. (Assault)

11
 12 All School and other program participation
 13 of myself while at msc grades. (Froud)

14
 15 All Excuses now on file at WSP by
 16 myself (Barred from access)

17
 18 Sergeant Gillespie as to functioning while
 19 in BMU.

20

21

22

23

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25

26

27

28